

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT GENE REGA,)	
)	
Plaintiff,)	Civil Action No. 08-156
)	
v.)	Judge McVerry
)	Magistrate Judge Bissoon
JEFFREY A. BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Robert Gene Rega (“Plaintiff”) is an inmate at the State Correctional Institution at Greene (“SCI-Greene”) who has filed a civil rights action pursuant to the provisions of 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On October 29, 2010, the magistrate judge issued a Report and Recommendation (Doc. 364), recommending that the Motion to Dismiss filed by Defendants Lucas and Caramanna (Doc. 345) be denied. The parties were allowed until November 12, 2010, to file objections. As of the date of this writing no objections have been filed. After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, this Court will deny the above-mentioned Motion to Dismiss, and will adopt the magistrate judge’s Report as the opinion of this Court.

Additionally, on October 6, 2010, Plaintiff filed a motion seeking to compel the magistrate judge to issue an order regarding Defendant Lucas and Caramanna’s Motion to

Dismiss. See (Doc. 360). The magistrate judge denied that motion in a text order on the same day. Plaintiff appealed that decision to this Court. See (Doc. 361). As an appropriate order on the Motion to Dismiss is entered below, this Court will deny Plaintiff's appeal as moot.

AND NOW, this 23rd day of November, 2010,

IT IS HEREBY ORDERED that the Motion to Dismiss filed Defendants Lucas and Caramanna (Doc. 345) is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Bissoon (Doc. 364), dated October 29, 2010, is adopted as the opinion of the court with respect to this motion.

IT IS FURTHER ORDERED that Plaintiff's appeal (Doc. 361) to the magistrate judge's order of October 6, 2010, is DENIED as MOOT.

BY THE COURT:

s/ Terrence F. McVerry
TERRENCE F. McVERRY
UNITED STATES DISTRICT JUDGE

cc:

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